THE BOMBAY MERGED TERRITORIES (ANKADIA TENURE ABOLITION) ACT, 1953.

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THE SECOND SCHEDULE.

BOMBAY ACT No. XLIII OF 1953.[1]

[THE BOMBAY MERGED TERRITORIES (ANKADIA TENURE ABOLITION) ACT, 1953.]

[*22nd June 1953*]

Amended by Bom. 58 of 1954.
" " " 2 of 1955.
" " " 46 of 1955.

An Act to abolish Ankadia Tenure prevailing in certain parts of the State of Bombay.

WHEREAS it is expedient to abolish the Ankadia tenure prevailing in the merged territories of the former States of Baroda, Idar, Balasinor, Malpur, [2][Ambaliara,] Lunawada and Deogadh Baria [2][and of the former estate of Ramas], to extinguish the rights appertaining thereto and to provide for other consequential and incidental matters hereinafter appearing ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953.

(*2*) It extends to the merged territories of the former States of Baroda, Idar, Balasinor, Malpur, [2][Ambaliara,] Lunawada and Deogadh Baria [2][and of the former estate of Ramas] which are included in the districts of Baroda, Kaira, Panch Mahals, Sabar Kantha, Ahmedabad, Mehsana and Amreli.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,—

(*a*) " Ankadedar " means a person holding an Ankadia village on Ankadia tenure and includes his co-sharer ;

(*b*) " Ankadia tenure " means the tenure on which a village is held by an Ankadedar—

(*i*) in the merged territories of the former State of Baroda under the Baroda Ankadia Villages Rules of 1932, and

(*ii*) in the merged territories of the former States of Idar, Balasinor, Malpur, [2][Ambaliara,] Lunawada and Deogadh Baria [2][and of the former estate of Ramas] in accordance with the terms of a lease or any other agreement ;

(*c*) " Ankadia Villages " means the villages specified in the first and second Schedules ;

(*d*) " Ankado " means a lump sum payable annually to Government by an Ankadedar out of the revenues realised by him annually from an Ankadia village ;

Bom. V of 1879.

(*e*) " Code " means the Bombay Land Revenue Code, 1879 ;

(*f*) " Collector " includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;

(*g*) " Gharkhed land " means the land held by an Ankadedar as his private or personal property ;

(*h*) " Jiwai land " means a land held by a cadet of an Ankadedar's family for the purpose of maintenance ;

(*i*) " prescribed " means prescribed by rules under this Act ;

(*j*) " Schedule " means a Schedule appended to this Act.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, pp. 165–166.

[2] These words were inserted by Bom. 2 of 1955, s. 3, Second Schedule. This has been given retrospective effect.

(*2*) Any word or expression which is defined in the Code and not defined in this Act shall be deemed to have the meaning assigned to it by the Code.

(*3*) References in this Act to the provisions of the Baroda Ankadia Villages Rules of 1932 and the leases and agreements governing Ankadia tenure and incidents of Ankadia tenure shall, notwithstanding the repeal of the said Rules, the cancellation of the said leases and agreements and the abolition of the said tenure by this Act, be construed as references to the said provisions, leases, agreements and incidents as they were in force immediately before this Act comes into force.

(*4*) If any question arises whether any land is Gharkhed or Jiwai, the State Government or any officer authorised by the State Government shall decide the question and such decision shall be final.

Abolition of Ankadia tenure.

3. With effect from and on the date on which this Act comes into force—

(*i*) the Ankadia tenure, wherever it prevails in the territory to which this Act extends shall be deemed to have been abolished ;

(*ii*) save as expressly provided by this Act all the incidents of the said tenure shall be deemed to have been extinguished ;

(*iii*) all the leases or agreements under which the Ankadia villages specified in the second Schedule were held immediately before the coming into force of this Act shall be deemed to have been cancelled ;

(*iv*) all the Ankadia villages are hereby resumed and all lands in such villages shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder :

Provided that nothing in clause (*iv*) shall be deemed to affect,—

(*a*) *devasthan* inams or inams held by religious or charitable institutions ; and

(*b*) inams held for service useful to Government :

Provided further that nothing in this section shall affect the payment of maintenance allowance to a widow of a deceased Ankadedar sanctioned by the State Government under the provisions of the Baroda Ankadia Villages Rules of 1932.

Persons to be deemed as occupants.

4. (*1*) (A) In an Ankadia village specified in the first Schedule—

(*i*) in the case of Gharkhed land held by an Ankadedar, the Ankadedar,

(*ii*) in the case of Jiwai land [1][, subject to the provisions of section 4A], the person holding such land,

(*iii*) in the case of land held by a person who immediately before the coming into force of this Act was liable to pay to the Ankadedar land revenue or rent in respect of such land as an incident of Ankadia tenure, such person, and

(B) in an Ankadia village specified in the Second Schedule,

(*i*) in the case of Gharkhed land held by an Ankadedar, the Ankadedar, and

(*ii*) in the case of land held by a person whose name has been immediately before the commencement of this Act, entered in the record of rights as occupier (Kabjedar) of such land and who was liable to pay to the Ankadedar land revenue in respect of such land as an incident of Ankadia tenure, such person,

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or any other law for the time being in force.

[1] These words, figure and letter were inserted by Bom. 46 of 1955, s. 2.

(2) With effect from the date on which this Act comes into force, the land in respect of which any person is entitled to the rights of an occupant under sub-section (1) shall be free from the liability for the payment of any amount in respect thereof to the Ankadedar as an incident of Ankadia tenure and all the rights of an Ankadedar in his capacity as an Ankadedar in such land shall be deemed to have been extinguished.

Tenants of Jiwai lands to be occupants thereof.

[1][4A. (1) If any Jiwai land is in the possession of a person, who immediately before the date of the coming into force of this Act was liable to pay land revenue or rent in respect of such land to the cadet of an Ankadedar's family holding such land, such person shall be entitled to the rights of an occupant in respect of the land in his possession on payment in the prescribed manner to such cadet of the occupancy price equivalent to six multiples of assessment fixed for such land.

(2) The right conferred under sub-section (1) shall not be exercisable after a period of five years from the date on which the Bombay Merged Territories (Ankadia Tenure Abolition) (Amendment) Act, 1955, comes into force.

Bom. 46 of 1955.

Explanation.—For the purposes of this section, 'land' shall have the same meaning as it has in clause (8) of section 2 of the Bombay Tenancy and Agricultural Lands Act, 1948.]

Bom. LXVII of 1948.

Uncultivated and waste lands and all property of the nature specified in section 37 of the Code vests in Government.

5. For the removal of doubt, it is hereby declared that all uncultivated and waste lands whether assessed or unassessed in an Ankadia village and all other kinds of property referred to in section 37 of the Code situate in an Ankadia village, which are not the property of the individuals or of any aggregate persons legally capable of holding property and except in so far as any rights of such persons may be established in or over the same and except as may be otherwise provided in any law for the time being in force are together with all rights in and over the same or appertaining thereto, the property of the State Government and it shall be lawful to dispose of or set apart the same by the authority and for the purpose provided in section 37 or 38 of the Code, as the case may be.

Method of compensation for extinguishment or modification of rights of Ankadedars.

6. (1) If an Ankadedar is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights in an Ankadia village, he may apply to the Collector for compensation.

(2) Such application shall be made in the prescribed form within six months from the date on which this Act comes into force.

(3) The Collector shall, after holding a formal inquiry in the manner provided by the Code, determine the amount of such compensation and the apportionment, if necessary, among the co-sharers entitled to it and shall make an award accordingly:

Provided that the amount of compensation shall be three times the average of the amount proved to have been realised annually by the Ankadedar as revenues of a village during the three years immediately before the date on which this Act comes into force minus the Ankado paid or payable to Government during the said period of three years.

(4) Subject to the provisions of section 9, the award of the Collector shall be final.

Method of compensation for extinguishment or modification of rights of any other person.

7. (1) If any person other than the Ankadedar is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights and if such person proves that such extinguishment or modification amounts to the transference to public ownership of such land or any right in or over such land, such person may apply to the Collector for compensation within a period of six months from the date on which this Act comes into force.

[1] This section was inserted by Bom. 46 of 1955, s. 3.

(*2*) The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining such amount of compensation as he deems reasonable and adequate.

(*3*) Subject to the provisions of section 9, the award of the Collector shall be final.

In determining compensation sections 23 and 24 of Land Acquisition Act, 1894, to be applicable.

8. In determining the amount of compensation under section 6 or 7, the Collector shall be guided by the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894. I of 1894.

Appeal against award.

9. (*1*) Any person aggrieved by the award of the Collector made under section 6 or 7 may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939. Bom. XII of 1939.

(*2*) In deciding an appeal under sub-section (*1*), the Bombay Revenue Tribunal shall exercise all the powers which a court has and follow the same procedure which a court follows in deciding appeals from a decree or order of an original court under the Code of Civil Procedure, 1908. V of 1908.

Limitation for appeals.

10. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal. IX of 1908.

Court fees.

11. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed. VII of 1870.

Amount of compensation to be payable in transferable bonds.

12. The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

Provisions of Bom. LXVII of 1948 to govern relations of landlord and tenant in Ankadia villages.

13. Nothing in this Act shall, in any way, be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, to any of the lands comprised in any Ankadia village or the mutual rights and obligation of a landlord and his tenant in respect of such lands, save in so far as the said provisions are not in any way inconsistent with the express provision of this Act. Bom. LXVI of 1948.

Rules.

14. The State Government may make rules for the purpose of carrying out the provisions of this Act. Such rules shall be subject to the condition of previous publication and shall, when finally made, be published in the *Official Gazette*.

Repeal.

15. The Baroda Ankadia Villages Rules of 1932 are hereby repealed:

Provided that the repeal of the said Rules and cancellation of leases and agreements as provided in section 3 shall not affect—

(*a*) the validity, invalidity, effect or consequence of anything already done or suffered to be done under the said Rules or the said leases and agreements before the date of the commencement of this Act; or

(*b*) any obligation or liability already incurred or accrued thereunder before such date.

THE FIRST SCHEDULE.

[*See* section 2 (*1*) (*c*)].

Ankadia villages in the merged territories of the former State of Baroda.

	Name of the Village.	District.
	(1) *Ek-Ankadi Thakarati Villages.*	
1.	Rajapura	Baroda.
2.	Mote Sherdi	Kaira.
3.	Bakrol	Panch Mahals.
4.	Karmadi	Baroda.
5.	Manekpur Makakhad	Mehsana.
6.	Limbodra	Do.
7.	Pindarda	Do.
8.	Amaja	Do.
9.	Ambawada	Do.
10.	Rampur	Amreli.
	(2) *Farta Ankadi Thakarati Villages.*	
1.	Aglod Motawas including Hathipura	Mehsana.
2.	Aglod Nanawas	Do.
3.	Ghantu Dhanpura	Do.
4.	Rampur Kuvayada	Do.
5.	Sangapur Ghasayata	Do.
6.	Sardarpur	Do.
7.	Ransipur	Do.
8.	Kot	Do.
9.	Lakaroda	Do.
10.	Dethli	Do.
11.	Aluwa	Do.
[1][12.	Vansa]	Do.
13.	Mosampur	Ahmedabad.

[1] This entry was substituted for the original, by Bom. 58 of 1954, s. 2, Sch.

	Name of the Village.		District.
14.	Sherkhi	...	Baroda.
15.	Sindharot	...	Do.
16.	Nawa Jaspur	...	Do.
17.	Ekalbara	...	Do.
18.	Khandiwada	...	Do.
19.	Saranej	...	Do.
20.	Khandha	...	Do.
21.	Saroli	...	Sabar Kantha.
22.	Valor	...	Mehsana.
23.	Bhimpur	...	Do.

(3) *Ek-Ankadi Matadari Villages.*

1.	Rantej	...	Mehsana.
2.	Ambod	...	Do.
3.	Changod	...	Do.
4.	Madhasan	...	Do.
5.	Chandapur	...	Do.
6.	Sidosan	...	Do.
7.	Khad Khambhalia	...	Amreli.

(4) *Farta Ankadi Matadari Villages.*

1.	Kunvadra	...	Mehsana.
2.	Mandali Vihar	...	Do.
3.	Bilodra	...	Do.
4.	Mahudi	...	Do.
5.	Ranchhodpura	...	Do.
6.	Ganeshpura	...	Do.
7.	Anodia	...	Do.
8.	Titodan	...	Do.
9.	Rangapur	...	Do.
10.	Haranahoda	...	Do.

	Name of the village.	District.
11.	Sujanpura	Mehsana.
12.	Dedana	Do.
13.	Sunasar	Do.
14.	Delapura	Do.
15.	Wamaiya	Do.
16.	Sanpara	Do.
17.	Bhundiya	Ahmedabad.
18.	Lahekawada	Do.
19.	Chekhalarani	Do.
20.	Nani Dau	Mehsana.
21.	Nagalpur Wanto	Do.
22.	Chhatiarda Wanto.	Do.
23.	Iyasara	Do.
24.	Gunja Wanto	Do.
25.	Sawala	Do.

THE SECOND SCHEDULE

[*See* section 2 (*1*) (*c*)].

Ankadia villages in the merged territories of the former Idar, Balasinor, Malpur, [1][Ambaliara,] Lunawada and Devgadh Baria States [1][and of the former estate of Ramas].

	Name of the Village.	District.
1.	Banthiwada Ajuna	Sabar Kantha.
2.	Banthiwada Hirola	Do.
3.	Banthiwada Lalkupa	Do.
4.	Banthiwada Jema	Do.
5.	Banthiwada Bamni	Do.
6.	Banthiwada Hira Tinba	Do.
7.	Rayawada	Do.
8.	Bhemapur	Do.
9.	Vagnora	Do.
10.	Lakhapur	Do.
11.	Surdevi	Do.
12.	Baskavo Danti	Do.
13.	Nesda	Do.
14.	Lalodia	Do.

[1]These words were inserted by Bom. 2 of 1955, s. 3, Second Schedule. This has been given retrospective effect.

	Name of the Village.	District.
15.	Lambhoya	Sabar Kantha.
16.	Rajpur	Do.
17.	Keshra Damor na Dhundha	Do.
18.	Palla	Do.
19.	Dhuleta	Do.
20.	Dachaka	Do.
21.	Mandali	Do.
22.	Vegha Damor na Dhundha	Do.
23.	Krishnapur	Do.
24.	Belyo	Do.
25.	Limbodra	Do.
26.	Karanpur	Do.
27.	Vasai	Do.
28.	Royania	Do.
29.	Dhanivada	Do.
30.	Ghandikyara	Do.
31.	Pisal	Do.
32.	Kamreda	Do.
33.	Sisodra	Do.
34.	Ghodnal	Do.
35.	Ankhol	Do.
36.	Manpur (Ramas)	Do.
37.	Lodhiana Pahadia	Do.
38.	Kanela	Do.
39.	Mora	Do.
40.	Othwad	Kaira.
41.	Nawagam	Do.
42.	Bar	Do.
43.	Jodhpur	Do.
44.	Saradia	Do.
45.	Limarvada	Do.
46.	Parabia	Do.
47.	Bhanthals	Do.

	Name of the Village.	District.
48.	Baliadev	Kaira.
49.	Dolat-poyda	Do.
50.	Dhanela	Do.
51.	Raiyoli	Do.
52.	Jalasang	Panch Mahals.
53.	Simalia	Do.
54.	Gollav	Do.
55.	Bhutpagla	Do.
56.	Bor	Do.
57.	Bilia	Do.
58.	Kalidungri Velji Falia	Do.
59.	Paroli	Do.
60.	Bhilod	Do.
61.	Nathkuva	Do.
62.	Palli	Do.
63.	Limdi-Mehdhari	Do.
64.	Chari	Do.
65.	Khotharia	Do.
66.	Dolatpura	Do.
67.	Kalakhetra	Do.
68.	Jethola	Do.
69.	Korwai	Do.
70.	Chhani	Do.
71.	Dholkhakhara	Do.
72.	Vadhela	Do.
73.	Limdi-Timba	Do.
74.	Vavkuva	Do.
75.	Punjelao	Do.
76.	Navisingnali	Do.
77.	Chhala Baria-na-muvada	Do.
78.	Timba	Do.
79.	Makhalia	Do.
80.	Sevalia	Do.
81.	Jokha	Do.
82.	Gugata	Do.
83.	Khat-na-muvada	Do.
84.	Jesola	Do.
85.	Bhotwa	Do.
86.	Shekhpur	Do.
87.	Jalam-Baria-na-muvada	Do.